

MINUTES

North Carolina Criminal Justice Education and Training Standards Commission

Planning & Standards Committee

August 17, 2017

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at Wake Tech Public Safety Center, Raleigh on August 17, 2017 at 10:30am.

Committee Members Present

Commissioner James Moore, Vice Chair
Commissioner Trey Robison
Commissioner Teresa Jardon
Commissioner James Fisher-Davis
Commissioner Richard Epley
Commissioner Robert Hassell
Commissioner Jay Fortenbery

Guests Present

Sarah Wolfe, NC Academy of Physician Assistants
Commissioner Eddie Caldwell
Commissioner Tracy McPherson, NC Community Colleges
Regina Brewer, Randolph Community College
Fred Rutledge, Randolph Community College
Trevor Allen, NC Justice Academy

CJ Standards Staff Present

Steven Combs
Richard Squires
Michelle Schilling
Charminique Williams
Dawn Suffel
Lauren Paul

Call to Order

Committee Vice-Chair James Moore called the meeting to order and declared a quorum.

Approval Minutes

Motion to approve the May 17, 2017 meeting minutes was made by Commissioner James Fisher-Davis and **seconded** by Commissioner Robert Hassell. **Motion carried** unanimously.

Rule-Making Hearing

Under separate cover.

Decennial Rules Review

Ms. Charminique Williams provided the committee with a list of rules for Commission's review. A brief summary of action, i.e. proposed language change, submission to OAH or ready for publication in Administrative Code, was explained by Ms. Williams and the committee voted on whether the rule is considered necessary with (or without) considerable public interest, or unnecessary.

All motions carried to adopt the following and to forward same to the full Commission for approval:

Rule Citation	Rule Name	Necessary WITH Substantive Public Interest	Necessary WITHOUT Substantive Public Interest
12 NCAC 09A .0101	LOCATION		X
12 NCAC 09A .0102	PURPOSE		X
12 NCAC 09A .0103	DEFINITIONS		X
12 NCAC 09A .0106	CRIMINAL JUSTICE STANDARDS DIVISION		X
12 NCAC 09B .0101	MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS	X	
12 NCAC 09B .0102	BACKGROUND INVESTIGATION	X	
12 NCAC 09B .0103	FINGERPRINT RECORD CHECK	X	
12 NCAC 09B .0104	MEDICAL EXAMINATION	X	
12 NCAC 09B .0105	QUALIFICATIONS APPRAISAL INTERVIEW		X
12 NCAC 09B .0111	MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS	X	
12 NCAC 09B .0114	MINIMUM STANDARDS FOR LOCAL CONFINEMENT PERSONNEL	X	
12 NCAC 09B .0116	MINIMUM STANDARDS FOR JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS	X	
12 NCAC 09B .0117	MINIMUM STANDARDS FOR JUVENILE JUSTICE OFFICERS	X	
12 NCAC 09B .0201	ADMINISTRATION OF CRIMINAL JUSTICE SCHOOLS		X
12 NCAC 09B .0202	RESPONSIBILITIES OF THE SCHOOL DIRECTOR	X	
12 NCAC 09B .0203	ADMISSION OF TRAINEES	Tabled to give staff time to further research criteria of diplomas earned through correspondence school. Reference 0203(g).	
12 NCAC 09B .0204	TRAINING COURSE ENROLLMENT		X
12 NCAC 09B .0205	BASIC LAW ENFORCEMENT TRAINING	X	
12 NCAC 09B .0224	BASIC TRAINING -- COUNTY CONFINEMENT FACILITY	X	
12 NCAC 09B .0225	BASIC TRAINING -- LOCAL CONFINEMENT PERSONNEL	X	
12 NCAC 09B .0235	BASIC TRAINING - JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS	X	
12 NCAC 09B .0236	BASIC TRAINING - JUVENILE JUSTICE OFFICERS	X	
12 NCAC 09B .0401	TIME REQUIREMENT FOR COMPLETION OF TRAINING		X
12 NCAC 09B .0404	TRAINEE ATTENDANCE		X
12 NCAC 09B .0405	COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE	X	
12 NCAC 09B .0406	COMPREHENSIVE WRITTEN EXAMINATION - BASIC LAW ENFORCEMENT TRAINING	X	
12 NCAC 09B .0408	COMPREHENSIVE WRITTEN EXAMINATION - BASIC SMI CERTIFICATION	X	
12 NCAC 09B .0411	COMPREHENSIVE WRITTEN EXAM -- LOCAL CONFINEMENT FACILITY	X	
12 NCAC 09B .0412	SATISFACTION OF MINIMUM TRAINING -- LOCAL CONFINEMENT FACILITY	X	
12 NCAC 09B .0413	COMPREHENSIVE WRITTEN EXAM - INSTRUCTOR TRAINING	X	
12 NCAC 09B .0414	COMPREHENSIVE WRITTEN EXAM - SPECIALIZED INSTRUCTOR TRAINING	X	
12 NCAC 09C .0201	PERSONAL HISTORY STATEMENT		X
12 NCAC 09C .0202	MEDICAL HISTORY STATEMENT		X
12 NCAC 09C .0203	MEDICAL EXAMINATION REPORT		X
12 NCAC 09C .0211	PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION		X

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12 NCAC 09C .0212	POST-DELIVERY REPORT OF TRAINING COURSE PRESENTATION		X
12 NCAC 09C .0213	STUDENT COURSE COMPLETION RECORD	X	
12 NCAC 09G .0314	COMPREHENSIVE WRITTEN EXAM - INSTRUCTOR TRAINING	X	
12 NCAC 09G .0315	COMPREHENSIVE WRITTEN EXAM - SPECIALIZED INSTRUCTOR TRAINING	X	
12 NCAC 09G .0409	ADMISSION OF TRAINEES AND COURSE ENROLLMENT		X
12 NCAC 09G .0411	BASIC TRAINING FOR CORRECTIONAL OFFICERS	X	
12 NCAC 09G .0412	BASIC TRAINING FOR PROBATION/PAROLE OFFICERS	X	

Additionally, motion was made to change 09B .0102 (c), second sentence to correct the word “potion” to “portion” and change verbiage 09C .0213 (line 3) from “Social Security Number” to “last four digits of Social Security Number”.

Standards Division

Director Steven Combs introduced Michelle Schilling as the Divisions recently named Deputy Director over Training and Research section.

Date of Next Meeting

Scheduled for November 15, 2017.

Motion to Adjourn

Motion to adjourn was made by Commissioner Teresa Jardon and **seconded** by Commissioner Trey Robison.
Motion carried.

**RULEMAKING HEARING
RULES REVISIONS**

**North Carolina Criminal Justice Education and Training Standards Commission
August 17, 2017**

Call to Order

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at the Wake Technical Community College, Public Safety Center on August 17, 2017. This committee presided over the public Rulemaking Hearing with Committee Vice-Chair James Moore calling the hearing to order at 10:30 am. Commissioner Moore stated the purpose of the hearing is to receive remarks from any persons interested in commenting on the proposed amendments to the Commission's Administrative Rules.

Committee Members Present

Commissioner James Moore, Vice Chair
Commissioner Trey Robison
Commissioner Teresa Jardon
Commissioner James Fisher-Davis
Commissioner Richard Epley
Commissioner Robert Hassell
Commissioner Jay Fortenbery

Guests Present

Sarah Wolfe, NC Academy of Physician Assistants
Commissioner Eddie Caldwell
Commissioner Tracy McPherson, NC Community Colleges
Regina Brewer, Randolph Community College
Fred Rutledge, Randolph Community College
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CJ Standards Staff Present

Steven Combs
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Dawn Suffel
Lauren Paul

PUBLIC HEARING

Commissioner Moore advised that proposed amendments would be read and, if needed, the amendments would be explained by staff and stated that after the rules are presented and explained, anyone wishing to comment would be allowed to do so. Mr. Moore read into the record the proposed rule amendments.

(Attachment following report.)

All motions carried to adopt the following proposed rule changes as presented in the attachment and forward to the full Commission for approval.

12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

Addresses Commission authority to take action on an instructor's certification to teach based on misconduct or suspension/denial of law enforcement certification.

Commissioner Tracy McPherson on behalf of NC Community Colleges expressed concern that in **09B .0301(g)** EMTs and paramedics (EMS) have been overlooked.

Amended motion was made to change rule as presented as well as insert language under item (g), line 4 to include "Office of Emergency Medical Services".

12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER

Provides criteria of federal law enforcement credit toward NC law enforcement officer certification.

12 NCAC 09E .0105 MINIMUM TRAINING: ANNUAL IN-SERVICE TRAINING

Specifies in-service training topics and hours for 2018.

PUBLIC COMMENTS

In advance of reviewing the next several rules, the following comments were brought in front of the committee.

First, Sarah Wolfe from the "NC Academy of Physician Assistants". Ms. Wolfe requested the Commission's consideration to further amend rules **09B .0101**, **09B .0104**, and **09C .0306** to include "licensed physician assistant (PA)" as a qualified medical professional to examine and report on applicants due to increasing demand on health care settings throughout the state. The committee is in favor of amending rules to include PAs and staff was asked to research comparison of PAs with family nurse practitioners (FNPs) and bring back findings in November.

Followed by Fred Rutledge, BLET School Director of Randolph Community College. Mr. Rutledge advised the committee that he originally requested to come before the committee to address concerns over **09B .0205** and the proposed changes to increase mental illness training hours and how it affects their school's Crisis Intervention training. He went on to explain that after consulting with a fellow school director he is confident he has come up with a resolution that will work for his school's training. He thanked the committee for the opportunity to speak and observe the process. Mr. Rutledge had no further concerns.

All motions carried to adopt the additional following proposed rule changes as presented in the attachment and forward to the full Commission for approval.

Proposed rule changes to **09B .0205 Basic Law Enforcement Training** increases mental illness training hours from 8 to 24 hours and total course hours from 616 to 632 hours.

Proposed rule changes to **09B .0209 Criminal Justice Instructor Training** reflects general instructor curriculum changes in topics and hours. [Ms. Williams informed the committee of a correction to **09B .0209 (c)(11)** in the attachment, topic should read "The Evaluation of Learning".] Proposed changes also impact **09B .0410 Criminal Justice Instructor Training Course**, **09G .0313 Corrections Instructors Training Course**, and **09G .0414 Instructor Training**.

Proposed rule changes to **09B .0302 (d) General Instructor Certification** involves applicants for SMI instructor be general or probationary instructor, making it consistent with other specialized instructor certifications.

Proposed changes to **09C .0210 Request for Training Course Accreditation** repeals rule due to ambiguity concerning intended course accreditation.

Proposed rule changes to **09C .0306 Lateral Transfer of Law Enforcement Officers** provides full-time certified officers a 60-day waiver for specified screenings to expedite the lateral hiring process. Minor language changes also impact **09A .0206 Summary Suspensions**, **09B .0101 Minimum Standards for Criminal Justice Officers**, and **09B .0104 Medical Examination**.

Proposed rule changes to **09E .0106 Annual In-Service Firearms Qualifications Specifications** specifies both day and night firearms qualifications for all weapons and making it effective 1/1/2019 to allow agencies time to prepare for changes.

Commissioners Steve Johnson and Lee Farnsworth spoke before the committee to explain their support for added training requirements in low light conditions.

Proposed rule changes to **09G .0206 Moral Character** and **09B .0101 Minimum Standards for Criminal Justice Officers** accomplishes consistent language. *[Ms. Williams informed the committee of correction to **09B .0101 (3)(b)** should reflect not having been convicted of a misdemeanor for five (5) years.]*

Commissioner Moore stated for the record that there were no other written comments or objections received by the rulemaking coordinator. Mr. Moore called an end to the rulemaking hearing.